

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 and 12-13 are pending in the present application; Claims 10 and 11 are canceled by the present amendment; and Claims 1-6, 8, 9, 12, and 13 are amended. Support for the amendments is found in the originally filed specification at least in Figures 4, 6, and 8-10. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-5 and 10-11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rusch (U.S. Patent No. 6,801,777) in view of Stuart et al. (U.S. Patent Publication No. 2002/0101858, hereafter "Stuart") and Claims 6-9 and 12-13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rusch in view of Lindell et al. (U.S. Patent Publication No. 2002/0039892, hereafter "Lindell").

In response to the rejection of Claims 1-5 and 10-11 under 35 U.S.C. § 103(a) as unpatentable over Rusch in view of Stuart, Applicants respectfully traverse this rejection for the following reasons. Claim 1 recites:

A mobile communications control method of controlling mobile communication by a mobile terminal in a network in which a plurality of wireless systems are available, the method comprising:
location registering the mobile terminal with a location registration area associated with one of the plurality of wireless systems, said location registering including
transmitting broadcast information including location registration area information of the plurality of wireless systems,
receiving a location registration request including location registration area information from the mobile terminal,
updating location registration area information of the mobile terminal according to the location registration area information from the location registration request of the mobile terminal; and
selecting, at a network control function layer, a wireless system as a selected wireless system, on which to perform location registration, said location registration including

associating the mobile terminal with a location area of the selected wireless system, from among the wireless systems, based on at least one of a status of the network, a status of the mobile terminal, location information of the mobile terminal, a frequency of incoming call reception of the mobile terminal, and service area information of the wireless systems.

Independent Claim 2 recites similar features. Therefore, arguments made on behalf of Claim 1 also apply to Claim 2, and claims dependent therefrom.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be demonstrated. First, Rusch in view of Stuart, when combined, must teach or suggest each and every element recited in the claims.¹ Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention.² Third, a reasonable probability of success must exist with respect to the proposed combination relied upon in the rejection.³ The combination of Rusch and Stuart do not teach or suggest every element recited in the claims.

The outstanding Office Action at page 2 asserts Rusch teaches selecting a wireless system with which the mobile terminal performs location registration, based on at least one of a status of the network, a status of the mobile terminal, location information of the mobile terminal, a frequency of incoming call reception of the mobile terminal, and service area information of the wireless systems. However, it is respectfully submitted that Rusch makes no mention of location registration as recited in Applicants' claims.⁴

Rusch does not describe the claimed location registration. The outstanding Office Action at page 4 further asserts that registration is inherent in the system of Rusch, in that at least for billing purposes the mobile terminal should register to a selected system prior to

¹ See M.P.E.P. § 2143.

² See M.P.E.P. § 2143.

³ See M.P.E.P. § 2143.

⁴ Rusch.

receiving services from the system. Applicants respectfully assert that “location registration” as defined by Claim 1 is different from billing registration which is asserted in the outstanding office Action at page 4 of Rusch. Rusch does not describe “location registration” as defined by Claim 1 as Rusch makes no mention of location registration and, moreover, Rusch does not describe, “selecting, at a network control function layer, a wireless system as a selected wireless system, on which to perform location registration,” as recited in Claim 1. The portion which the outstanding Office Action asserts corresponding to location registration, i.e., col. 4, lines 14-54 of Rusch, rather, only describes characterizing available communication networks, interrogating available communication networks, and using geographic location information to determine the characteristics of available communication networks. “Location registration” is defined in Claim 1 as “including associating the mobile terminal with a location area of the selected wireless system.” At best, Rusch describes using location information to determine the characteristics of available communication resources⁵ and then based on those characteristics and/or services, application requirements, user preferences, and system information selecting one of the available networks for communicating.⁶ Thus, Rusch does not describe “location registration” or “selecting, at a network control function layer, a wireless system as a selected wireless system, **on which to perform location registration,**” as recited in Claim 1.

Accordingly, as neither Rusch nor Stuart describe the above discussed features not every element recited in Claim 1 is taught or suggested by the combination of Rusch and Stuart. Therefore, it is respectfully requested that the rejection of Claims 1-5 and 10-11 under 35 U.S.C. § 103(a) as unpatentable over Rusch in view of Stuart be withdrawn.

With respect to the rejection of Claims 6-9 and 12-13 under 35 U.S.C. § 103(a) as unpatentable over Rusch in view of Lindell, this rejection is respectfully traversed. Claim 6

⁵ Rusch, col. 4, lines 36-38.

⁶ Rusch, col. 5, lines 7-12.

recites, in part, a mobile terminal comprising, “a selector configured to select from among the wireless systems, a wireless system with which to perform location registration, based on a movement speed of the mobile terminal and a frequency of incoming call reception of the mobile terminal.”

The outstanding Office Action at page 5 concedes that Rusch does not describe performing location registration, based on a movement speed of the mobile station and a frequency of incoming call reception of the mobile terminal. The outstanding Office Action asserts Lindell describes users selecting the access network and service based on user preferences such as speed and required bandwidth which is described in Lindell’s paragraphs 8, 33-35, and 40. This assertion is not consistent with Lindell as the cited paragraphs of Lindell, and Lindell throughout, does not mention basing location registration on “**movement speed of the mobile terminal**,” as recited in Claim 6. Rather, Lindell describes speed in terms of bandwidth speed⁷ which is not “**movement speed of the mobile terminal**,” as recited in Claim 6. Accordingly, the combination of Rusch and Lindell does not describe every element of Claim 6. Accordingly, independent Claim 6 is patentably distinguishable.

Further, with respect to Claim 9, Claim 9 recites “A mobile terminal” comprising “a selector configured to select the wireless system ..., when the specific information **which is stored in the network control system** is transmitted with **broadcast information from a network control system**.” In contrast, Rusch describes using a GPS to determine the geographic location of device 100 or using signals sent from a transmitter of the network to determine the location of device 100 by triangulation.⁸ Applicants submit that GPS systems and triangulation techniques use latitude and longitude information which is compared with latitude and longitude information of the location of the mobile terminal (i.e. home office) which is predetermined by the user of the mobile terminal. Rusch’s use of user

⁷ Lindell, par. [0008], par. [0033-0035] (on the other hand, where the user is primarily concerned about speed, the user preferences may indicate a preference for the faster bit rate services), par. [0040].

⁸ Rusch, col. 4, lines 43-48.

predetermined information is a method for specifying the location of the mobile terminal which is different from using the claimed “specific information” and “broadcast information” which is transmitted for example by the base station of the claimed “network control system.” Thus, in an example of the present invention the base station transmits the specific information with broadcast information so that the mobile can perform location registration. Accordingly, Rusch does not describe “A mobile terminal” comprising “a selector configured to select the wireless system associated with the *specific information*, as a wireless system with which *to perform location registration*,... when the *specific information which is stored in the network control system is transmitted with broadcast information from a network control system*” as recited in Claim 9. Additionally, Lindell also does not describe this feature as Lindell describes selecting with a selector 210 an access network based on the type of *service requirement* 300 or based on *user preferences* 306, that is requested by the mobile communication station 100.⁹ Lindell’s service requirement 300 and user preferences 306 are not the claimed “specific information” or “broadcast information” as defined by Claim 9.

Therefore, it is respectfully requested that the rejection of Claims 6-9 and 12-13 under 35 U.S.C. § 103(a) as unpatentable over Rusch in view of Lindell be withdrawn.

⁹ Lindell, par [0020]-[0036], Fig. 3-4.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

BDL:MS\rlc

I:\ATTY\MS\PROSECUTION\25s\251599US\251599US AMEND DUE 12 26 06.doc